



U.S. Department
of Transportation

**Pipeline and
Hazardous Materials
Safety Administration**

Office of
Chief Counsel

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***Hazardous Materials Safety
Law Division***

NOTICE OF PROBABLE VIOLATION

Date Issued: FEB - 9 2006

PHMSA Case No. 05-0497-SD-SW

DMS Docket No. 2006-23914

Respondent: Equistar Chemicals L.P.
1501 McKinzie Road
Corpus Christi, TX 78460

ATTN: Mr. Larry Warrenfeltz, Sr. HSE Specialist

No. of Alleged Violations: 2

Maximum Possible Assessment: \$65,000

Total Proposed Assessment: **\$2,867** (Includes a \$683 reduction for corrective action)

The Office of Chief Counsel of the Pipeline and Hazardous Materials Safety Administration (PHMSA) alleges that you (the Respondent named above) violated certain provisions of the Federal Hazardous Materials Transportation Law, 49 U.S.C. § 5101 et seq., and/or the Hazardous Materials Regulations (HMR), 49 C.F.R. Parts 171 - 180. PHMSA sets forth the specific allegations in Addendum A to this Notice.

What is the maximum and minimum civil penalty that PHMSA can assess? Federal law sets a civil penalty of not more than \$32,500 and a civil penalty of not less than \$275 for each violation of the Federal Hazardous Materials Transportation Law or the HMR committed after October 1, 2003, and no more than \$27,500 and no less than \$250 for each violation occurring before October 1, 2003 but after January 21, 1997 (49 C.F.R. §107.329(a)). Each day of a continuing violation constitutes a separate violation for which the maximum penalty may be imposed (49 U.S.C. § 5123(a)(2)).

What factors does PHMSA consider when proposing and assessing a civil penalty? Federal law requires PHMSA to consider certain factors when proposing and assessing a civil penalty for a violation of Federal Hazardous Materials Transportation Law or the HMR. Please refer to Addendum B to this Notice for more information concerning these factors.

When is my response due? You must respond within thirty (30) days from the date you receive the Notice (49 C.F.R. § 107.313(a)), unless you have made a written request for an extension, which must have been approved by PHMSA (49 C.F.R. § 107.313(c)). Due to security concerns, mail delivery from the United States Postal Service (USPS) is experiencing significant delays.

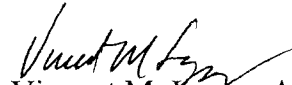
As a result, you should allow at least 72 hours for delivery, even for overnight service by the USPS. To assure timely receipt, **PHMSA strongly encourages you to submit your response by e-mail, fax, or express mail.** A response received out of time will not be considered.

What are my response options? You may respond to this Notice in any of three ways:

- (1) Admit the alleged violations and pay the proposed assessment (49 C.F.R. § 107.313(a)(1));
- (2) Send an informal response, which can include a request for an informal conference (49 C.F.R. § 107.313(a)(2)); or
- (3) Request a formal hearing (49 C.F.R. § 107.313(a)(3)).

PHMSA provides information on these options in Addendum B to this Notice and the Office of Chief Counsel's homepage (<http://rspa-atty.dot.gov>). PHMSA explains its procedures for assessing civil penalties and imposing compliance orders in 49 C.F.R. § 107.307 through 107.331.

What happens if I fail to respond? You waive your right to contest the allegations made in Addendum A to this Notice if you fail to respond within thirty (30) days of receiving it (or by the end of any extension). Also, the Chief Counsel may make a finding of fact consistent with the allegations in this Notice and assess an appropriate civil penalty if you fail to respond within the applicable time frame.


Vincent M. Lopez, Attorney
Phone: (202) 366-5199
vincent.lopez@dot.gov

Enclosures: Addendum A
Addendum B
Addendum C
Case Exhibits

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

PHMSA Case No. 05-0497-SD-SW

SPECIFIC ALLEGATIONS

Probable Violation No. 1

Offering for transportation in commerce, a quantity of hazardous materials that requires placarding under the provisions of the Hazardous Materials Regulations (HMR), while failing to develop and adhere to a security plan.

Factual Allegations/Averments

A. On or about June 2, 2005, Respondent offered for transportation a shipment of hazardous waste material, including 3,200 pounds of Waste paint related material, 3, UN1262, PG III, in commerce, and an overall weight of 8,800 pounds, as evidenced by Uniform Hazardous Waste Manifest with State manifest Document Number 3114917.

B. On or about the date referenced in paragraph A above, Respondent had not developed and implemented a security plan.

- Please see Inspection/Investigation Report Number 05454056 at pages 2 – 3, and the exhibits that accompany this report, which are incorporated herein.

Probable Violation No. 2

Offering hazardous materials for transportation in commerce when recurrent hazmat training has not been provided at least once every three years and training records missing required elements in accordance with the HMR.

Factual Allegations/Averments

A. On or about April 15, 2004, Respondent offered for transportation a hazardous waste material (R.Q., Waste flammable liquids, n.o.s. (Dimethyl formamide, Toluene) 3, UN1993, PG III), weighing 31,280 pounds, in commerce, as evidenced by Uniform Hazardous Waste Manifest with State manifest Document Number 3289938.

B. On or about the date referenced in paragraph A above, Respondent failed to provide recurrent hazmat training for its hazmat employees and failed to maintain proper training records in accordance with the HMR.

- Please see Inspection/Investigation Report Number 05454056 at pages 4 -5, and the exhibits that accompany this report, which are incorporated herein.

FACTS ALREADY CONSIDERED (UNDER 49 C.F.R. § 107.331) IN SETTING PROPOSED PENALTIES

Prior Violations of the Hazardous Materials Regulations:

PHMSA increases proposed penalties when Respondent has committed a prior violation of the Federal Hazardous Materials Transportation Law or the HMR within the last six years, as determined through a civil penalty case, criminal case, or ticketing process (49 C.F.R. § 107.331(d)). More specifically, “the general standards for increasing a baseline proposed penalty on the basis of prior violations are . . . (1) for each prior civil or criminal enforcement case –25% increase over pre-mitigation recommended penalty, and (2) for each prior ticket–10% increase over pre-mitigation recommended penalty” (49 C.F.R. Part 107, Subpart D, Appendix A, Section IV, E).

PHMSA’s records do not contain any prior violations by Respondent and PHMSA did not consider any prior violations in determining the proposed assessment for the violation in this Notice.

Corrective Action:

An important purpose of PHMSA’s enforcement program is to bring the regulated community into compliance with the Hazardous Materials Regulations, and to promote ongoing efforts by that community to maintain compliance. In determining the final penalty assessment, PHMSA considers documented evidence of actions taken by a Respondent to correct violations and ensure that they do not recur (49 C.F.R. § 107.331 (g)).

Respondent provided correspondence dated September 14, 2005, addressing the corrective action it has taken in response to the probable violation resulting from the inspection. Respondent described and documented its corrective action as follows:

- Violation No.: 1: Respondent stated that it had developed a security plan.
- Violation No.: 2: Respondent indicated that it was going to conduct hazmat training on September 27, 2005.

Financial Status

Under 49 C.F.R. §107.331 (e) and (f), the proposed penalty may be reduced if Respondent demonstrates that it is unable to pay that penalty, or if payment of the proposed penalty would affect Respondent’s ability to continue in business. Respondent’s poor financial condition may be a basis for reducing the proposed penalty; a healthy financial condition is *not* a basis for increasing the penalty.

PHMSA has no information that indicates that Respondent is unable to pay the proposed penalty. If Respondent believes it lacks the ability to pay the proposed penalty or that the proposed penalty will affect Respondent's ability to continue in business, Respondent should submit a current balance sheet (certified if possible) or other evidence of its assets and liabilities.

TOTAL CIVIL PENALTY PROPOSED

Probable Violation	Maximum Possible Penalty	Baseline Penalty	Increase for Priors	Corrective Action	Proposed Penalty
1	\$32,500	\$3,000	\$0	\$600	\$2,400
2	\$32,500	\$550	\$0	\$83	\$467
TOTAL	\$65,000	\$3,550	\$0	\$683	\$2,867

DEPARTMENT OF TRANSPORTATION
PIPELINE AND HAZARDOUS MATERIALS SAFETY ADMINISTRATION

How do I respond to this Notice of Probable Violation (Notice)?

You may respond to this Notice in any of three ways:

- (1) Pay the proposed assessment (49 C.F.R. § 107.315);
- (2) Send an informal response, which can include a request for an informal conference (§ 107.317); or
- (3) Request a formal hearing (§ 107.319).

How do I pay the proposed assessment?

You pay the proposed assessment by:

- (1) Sending a wire transfer, through the Federal Reserve Communications System (Fedwire), to the U.S. Treasury account (49 C.F.R. § 89.21(b)(3). Addendum C contains the instructions for sending wire transfers. Questions concerning wire transfers should be directed to: Financial Operations Division (AMZ-300), ATTN: Linda Lavallo, Federal Aviation Administration, Mike Monroney Aeronautical Center, P.O. Box 25082, Oklahoma City, OK 73125 (Telephone No. 405-954-8893).

Or

- (2) Sending a certified check or money order if the penalty amount is \$10,000 or less. The certified check or money order must be payable to the "U.S. Department of Transportation" and must be mailed to the Chief, Financial Operations Division, Attn: Linda Lavallo, Federal Aviation Administration, Mike Monroney Aeronautical Center, AMZ-300, P.O. Box 25082, Oklahoma City, OK 73125.

Or

- (3) Using a credit card via the Internet. To pay electronically with a credit card, visit the following website address and follow the instructions:

<https://www.pay.gov/paygov/>

Where do I send my response?

You must address your informal response or formal hearing request to the attorney who issued the Notice at the following address:

Pipeline and Hazardous Materials Safety Administration
Office of the Chief Counsel (PHC-10)
Room 8417
U.S. Department of Transportation
400 Seventh Street, S.W.
Washington, D.C. 20590-0001

When is my response due? (§ 107.313)

You must respond to the Notice within thirty (30) days of the date you receive it. The attorney who issued the Notice may extend the 30-day period for your response if you ask for an extension, and show good cause, within the original 30-day period.

What happens if I do not respond? (§ 107.313)

If you fail to respond to the Notice within thirty (30) days of receiving it (or by the end of any extension), you will waive your right to contest the allegations made in Addendum A to the Notice. In addition, the Chief Counsel will issue a default Order finding the facts as alleged in the Notice and assessing the civil penalty as outlined within that notice.

May I propose a compromise offer? (§ 107.327)

Yes. At any time before an order is issued and referred to the Attorney General for collection, you may propose to compromise a civil penalty case by submitting a specific compromise offer amount to the attorney handling the case (§ 107.327). The Chief Counsel may also propose a compromise.

If a compromise is agreeable to all parties, the attorney handling the case will forward a compromise agreement to you for signature. This document will outline the terms of the joint agreement and you must return a signed original to the attorney handling the case within 30 days. After this agreement has been returned it will be signed by the assigned attorney and presented to the Chief Counsel with a request that the Chief Counsel adopt the terms of that agreement by issuing a Compromise Order (49 C.F.R. § 107.327(a)(1)). The terms of the agreement constitute an offer of compromise until accepted by the Chief Counsel. When you agree to a compromise, you give up your right to appeal the order issued by the Chief Counsel.

What should I include in my informal response? (§107.317)

Your informal response must contain written explanations, information or arguments that respond to the allegation(s), the amount of the proposed civil penalty, or the terms of a proposed compliance order. Provide complete documentation of your explanations and arguments. No specific format is required for an informal response.

May I request an informal conference? (§107.317)

Yes. You may request an informal conference as part of your informal response. Please describe the issues you want to discuss during the conference. After receiving your request, the attorney handling the case will contact you to arrange the conference. Normally the conference will be held by telephone, and the attorney handling the case and the inspector who conducted the compliance inspection will participate in the conference.

What happens after I submit an informal response to the Notice?

We will hold an informal conference if you have asked for one. Based on the Notice, the evidence supporting the Notice, any written explanations, information and documentation that you provide, and matters presented at a conference, the Chief Counsel decides the case. The Chief Counsel may issue an order finding all or some of the violation(s) alleged in the Notice or may withdrawal all or some of the alleged violation(s). If the Chief Counsel finds violation(s), the order will assess a civil penalty.

How do I appeal an order? (§ 107.325)

You may appeal an order to PHMSA's Administrator.

How do I request a formal hearing? (§ 107.319)

You must request a formal hearing within 30 days of the date that you receive the Notice. If you are granted an extension of time to respond to the Notice, you must submit a formal hearing request by the end of the extended time period. If you do not request a formal hearing within the specified time, you will waive your right to a formal hearing.

Your request for a formal administrative hearing must include the following:

- (1) The name and address of the respondent and any other person submitting the request;
- (2) A statement of which allegations of violations are not in dispute; and
- (3) A description of the issues that you will raise at the hearing. (The Administrative Law Judge will decide whether issues not raised in the request may be raised at the hearing.)

After receiving a request for a hearing that complies with these requirements, the Chief Counsel will request an Administrative Law Judge from the DOT Office of Hearings to preside over the hearing. Once an Administrative Law Judge is assigned, all further matters in the proceeding will be conducted by the Administrative Law Judge. Either you or PHMSA may appeal the decision of the Administrative Law Judge to PHMSA's Administrator.

How does PHMSA determine if I have committed a violation?

This is a civil penalty case and PHMSA uses the "knowingly" standard, which is defined in the Federal hazardous materials transportation law (See 49 U.S.C. 5123(a)(1)), in all civil penalty cases. The standard for a violation is similar to "negligence." After considering all the available information (including the additional information you provide in your response to the Notice), PHMSA must find either that (1) you had "actual knowledge" of the facts giving rise to the violation, or (2) you had "imputed knowledge," of the facts giving rise to the violation, in that a reasonable person acting in the circumstances and exercising reasonable care would have that knowledge. PHMSA does not need to find that you actually knew about, or intended to violate, requirements in the Federal hazardous material transportation law or the HMR.

What factors does PHMSA consider when proposing and assessing a civil penalty? (§ 107.331)

PHMSA considers the following factors when proposing and assessing a civil penalty for a violation of the regulations:

- (1) The nature and circumstances of the violation(s);
- (2) The extent and gravity of the violation(s);
- (3) The degree of your culpability;
- (4) Your history, if any, of prior offenses;

- (5) Your ability to pay the penalty;
- (6) The effect of the penalty on your ability to continue in business;
- (7) The size of your business, and
- (8) Other matters as justice may require.

The nature and the timeliness of any corrective action you take to prevent future violations of a similar nature will be considered under item No. 8. However, you must submit documented evidence of that corrective action to the PHMSA attorney. If you have submitted documented evidence regarding any of these factors during PHMSA's investigation of the alleged violation(s), and that documentation is referenced in the Notice or accompanying Inspection/Investigation Report, you do not need to resubmit it.

Under the Small Business Regulatory Enforcement Fairness Act (SBREFA), PHMSA must consider the rights of small entities in enforcement actions. PHMSA's hazardous materials enforcement program has been designed to consider small businesses and the penalties that PHMSA proposes and assesses are generally considered appropriate for small businesses. PHMSA takes into consideration the size of the company when proposing and assessing a civil penalty.

However, special consideration may not be given to a small business if:

- (1) The small business has not corrected its violation(s) within a reasonable time;
- (2) The small business has committed one or more prior violations of the HMR;
- (3) The violations involve willful conduct;
- (4) The violations pose serious threats to health, safety or the environment; or
- (5) The small business has not made a good faith effort to comply with the law.

The Small Business and Agriculture Regulatory Enforcement Ombudsman and 10 Regional Fairness Boards were established to receive comments from small businesses about Federal agency enforcement actions. Our objective is to ensure a fair regulatory enforcement environment.

You have a right to contact the Small Business Administration's national Ombudsman at 1-888-REG-FAIR (1-888-734-3247) or www.sbs.gov/ombudsman regarding the fairness of the compliance and enforcement activities by this agency.

The Pipeline and Hazardous Materials Safety Administration strictly forbids retaliatory acts by its employees. As such, you should feel confident that you will not be penalized for expressing your concerns about compliance and enforcement activities.

Where can I find more information on how PHMSA handles hazardous materials enforcement cases?

A more detailed discussion of these procedures is in 49 C.F.R. §§ 107.301 through 107.333. These procedures are also on the Office of the Chief Counsel's home page at <http://phmsa-attly.dot.gov>."

**INSTRUCTIONS FOR ELECTRONIC FUNDS TRANSFER TO
THE FEDERAL AVIATION ADMINISTRATION, U.S. DEPARTMENT OF TRANSPORTATION**

1. <u>RECEIVER'S ABA NO.</u> 021030004	2. <u>TYPE SUBTYPE</u> (provided by sending bank)
3. <u>SENDING BANK ARB NO.</u> (Provided by sending bank)	4. <u>SENDING BANK REF NO.</u> (Provided by sending bank)
5. <u>AMOUNT</u>	6. <u>SENDING BANK NAME</u> (Provided by sending bank)
7. <u>RECEIVER NAME:</u> TREAS NYC	8. <u>PRODUCT CODE</u> (Normally CTR, or as provided by sending bank)
9. <u>BENEFICIARY (BFN) - AGENCY LOCATION CODE</u> <u>BNF=/ ALC 69-14-0001</u>	10. <u>REASONS FOR PAYMENT</u> Example: PHMSA - Case # / Ticket Number/Pipeline Assessment number

INSTRUCTIONS: You, as sender of the wire transfer, must provide the sending bank with the information for Block (1), (5), (7), (9), and (10). The information provided in blocks (1), (7), and (9) are constant and remain the same for all wire transfers to Pipeline and Hazardous Materials Safety Administration, Department of Transportation.

Block #1 - RECEIVER ABA NO.- "021030004". Ensure the sending bank enters this nine-digit identification number; it represents the routing symbol for the U.S. Treasury at the Federal Reserve Bank in New York.

Block #5 - AMOUNT - You as the sender provide the amount of the transfer. Please be sure the transfer amount is punctuated with commas and a decimal point. EXAMPLE; \$10,000.00

Block #7 - RECEIVER NAME - "TREAS NYC." Ensure the sending bank enters this abbreviation; it must be used for all wire transfer to the Treasury Department.

Block #9 - BENEFICIARY- AGENCY LOCATION CODE -"BNF=/ALC69140001"
Ensures the sending bank enters this information. This is the Agency Location Code for Pipeline and Hazardous Materials Safety Administration, Department of Transportation.

Block #10 - REASON FOR PAYMENT - "AC-payment for PHMSA Case # / To
ensure your wire transfer is credited properly, enter the case number/ticket number or Pipeline Assessment number, and country."

Note: - A wire transfer must comply with the format and instructions or the Department cannot accept the wire transfer. You, as the sender, can assist this process by notifying, at the time you send the wire transfer to the General Accounting Division (405) 954-8893.

**Inspection / Investigation Report No. 05454056**

U.S. Department of Transportation
Pipeline and Hazardous Materials Safety Administration
Office of Hazardous Materials Enforcement

Inspection Location:

Equistar Chemicals
1501 McKinzie
Corpus Christi, TX 78460

Contact: Larry Warrenfeltz, Sr. HSE Specialist

Phone: (361) 242-5045

Fax: (361) 242-8030

Type of Inspection: SHIPPER INSPECTION
(GENERAL)

Result: ENFORCEMENT REPORT

Inspector: DANIELS, SHAWN

Code: DHM-45.4

Title: HAZARDOUS MATERIALS
ENFORCEMENT SPECIALIST

Signature:

Inspector #2:

Code:

Title:

Supervisor Name: Billy C. Hines, Jr.

Title: Chief, Southwest Region

Authorization Date: 9/19/2005

Summary of Inspection

On August 30, 2005, Hazardous Materials Enforcement Specialist Shawn Daniels conducted a compliance inspection at Equistar Chemicals, (Equistar), Corpus Christi, TX. Mr. Larry Warrenfeltz, Sr. HSE Specialist, represented the company and provided requested documentation. Equistar manufactures and distributes class 3 materials in bulk used for various industrial applications, and generates class 3 and 9 hazardous waste packaged in 55-gallon UN 1A1 drums.

The probable violations noted during the inspection were discussed with Mr. Warrenfeltz during the Exit Briefing (Exhibit 1). Violations concerned security plan, recurrent training and training records.

Correspondence containing action taken, or to be taken, by Equistar to rectify the probable violations has been received (Exhibit 9).

Violation Number: 1

Number Discovered: 1

49 CFR Section:

171.2 (a)(b) & (c)

172.800

172.802(b)

Exhibit: 2, 3, 4, 5, 6

Violation Description:

Offering for transportation in commerce, a quantity of hazardous materials that requires placarding under the provisions of the Hazardous Materials Regulations, while failing to develop and adhere to a security plan.

Evidence Summary:

During the course of the inspection at Equistar's production facility, the inspector asked Mr. Warrenfeltz if Equistar shipped hazardous materials in placarded amounts from this particular location. Mr. Warrenfeltz stated "yes," and provided the inspector with a copy of a shipping paper dated August 28, 2005, denoting a 78,220 pound bulk shipment of Elevated temperature liquid, flammable, n.o.s., 3, UN3256, PG III, (Exhibit 2).

Mr. Warrenfeltz also provided the inspector with a copy of a uniform hazardous materials waste manifest dated June 2, 2005, denoting a 8,800 pound shipment of hazardous waste which included 3,200 pounds of Waste Paint related material, 3, UN1263, PG III, packaged in 55-gallon metal drums (Exhibit 3). Both aforementioned shipments were filled, packaged and offered for transportation from Equistar's production facility located at 1501 McKinzie Road, Corpus Christi, TX.

The inspector then asked to review Equistar's security plan. Mr. Warrenfeltz provided the inspector with Equistar's security plan. During the review of Equistar's security plan the inspector noted the plan had an attached approval letter dated June 24, 2004, from the U.S. Coast Guard, Captain of the Port, Corpus Christi, TX, approving Equistar's security plan for a period of five years (Exhibit 4). The inspector additionally noted Equistar's security plan was for their barge dock and railcar location and did not address any security requirements for Equistar's production facility.

The inspector then asked Mr. Warrenfeltz where the barge dock and railcar location was in reference to Equistar's production facility. Mr. Warrenfeltz stated Equistar's barge dock and railcar location is approximately eight miles from their production facility and would be considered a separate location. The inspector then asked Mr. Warrenfeltz to review the security plan for Equistar's production facility location. Mr. Warrenfeltz stated that Equistar did not have a written security plan for their production facility location (Exhibit 5 page 1). Mr. Warrenfeltz additionally provided a copy of Equistar's current hazardous materials certificate of registration (Exhibit 6).

Section 172.800(b) states, in part, "By September 25, 2003, each person who offers for transportation in commerce or transports in commerce one or more of the following hazardous materials must develop and adhere to a security plan for hazardous materials that conforms to the requirements of this subpart:...(7) A quantity of hazardous material that requires placarding under the provisions of subpart F of this part."

Section 172.802(b) states "The security plan must be in writing and must be retained for as long as it remains in effect. Copies of the security plan, or portions thereof, must be available to the employees who are responsible for implementing it, consistent with personnel security clearance or background investigation restrictions and a demonstrated need to know. The security plan must be revised and updated as necessary to reflect changing circumstances. When the security plan is updated or revised, all copies of the plan must be maintained as of the date of the most recent revision."

Violation Number: 2

Number Discovered: 1

49 CFR Section:

171.2(a)(b)&(e)
172.702(b)
172.704(c)(2)
172.704(d)

Exhibit: 7, 8

Violation Description:

Offering hazardous materials for transportation in commerce when recurrent hazmat training has not been provided at least once every three years and training records missing required elements in accordance with the HMR.

Evidence Summary:

During the course of the inspection, the inspector requested to review Equistar's hazmat training records. Mr. Warrenfeltz provided the inspector with training records for Equistar's employees. During the review of the training records the inspector noted that Mr. Warrenfeltz last completed general awareness/familiarization, and function specific training on May 14, 2001, (Exhibit 7). The inspector also noted Mr. Warrenfeltz did complete safety training on March 11, 2005, and security awareness training on July 8, 2004.

The inspector additionally noted the aforementioned training records were missing the name and address of the person providing the training, and certification that the hazmat employee has been trained and tested (Exhibit 7).

The inspector then asked Mr. Warrenfeltz if Equistar had records of more recent hazmat training, and Mr. Warrenfeltz replied "no." Mr. Warrenfeltz provided the inspector with a copy of a shipping paper dated August 1, 2005, and a uniform hazardous materials waste manifest dated April 15, 2004, confirming the shipment of hazardous materials from Equistar (Exhibit 8).

Section 172.702(b) states "Except as provided in § 172.704(c)(1), a hazmat employee who performs any function subject to the requirements of this subchapter may not perform that function unless instructed in the requirements of this subchapter that apply to that function. It is the duty of each hazmat employer to comply with the applicable requirements of this subchapter and to thoroughly instruct each hazmat employee in relation thereto."

Section 172.704(c)(2) states, "a hazmat employee shall receive the training required by this subpart at least once every three years."

Section 172.704(d) states, in part, "A record of current training, inclusive of the preceding three years, in accordance with this section shall be created and retained by each hazmat employer for as long as that employee is employed by that employer as a hazmat employee and for 90 days thereafter."

Section 172.704(d) states, in part, "... The record shall include:

- (1) The hazmat employee's name;
- (2) The most recent training completion date of the hazmat employee's training;
- (3) A description, copy, or the location of the training materials used to meet the requirements in paragraph (a) of this section;
- (4) The name and address of the person providing the training; and
- (5) Certification that the hazmat employee has been trained and tested, as required by this subpart

In this case, Mr. Warrenfeltz should have completed his recurrent training no later than May 14, 2004, and Equistar's training records should have listed the name and address of the person providing the training, and certification the employee was trained and tested.

Additional Information Pertaining to the Inspection:

In an e-mail received on September 14, 2005, Equistar submitted documentation of corrective action to address the probable violations as follows: (Exhibit 9)

Violation number one: Company stated they have developed a security plan.

Violation number two: Company plans to conduct hazmat training on September 27, 2005.

Violation number three: Company provided a copy of a training certificate that meets the record keeping requirements in accordance with the HMR. Company additionally stated they have similar files for their hazmat employees but was unable to locate these files during the course of the inspection.

Exhibit Summary

Evidence		Obtained From		
No.	Description	Name, Title	Company	City, State
1	Exit Briefing	Inspector		
2	Shipping paper dated 8/28/2005	Larry Warrenfeltz, Sr. HSE Specialist	Equistar Chemicals	Corpus Christi, TX
3	Hazardous waste manifest dated 6/2/2005	Larry Warrenfeltz	Equistar Chemicals	Corpus Christi, TX
4	Approval letter USCG, dated 6/24/2004	Larry Warrenfeltz	Equistar Chemicals	Corpus Christi, TX
5	Hazmat Security Inspection Report	Inspector		
6	Hazmat certificate of registration	Larry Warrenfeltz	Equistar Chemicals	Corpus Christi, TX
7	Training records	Larry Warrenfeltz	Equistar Chemicals	Corpus Christi, TX
8	Shipping paper dated 8/1/2005, and hazardous waste manifest dated 4/15/2004	Larry Warrenfeltz	Equistar Chemicals	Corpus Christi, TX
9	Corrective action	Larry Warrenfeltz	Equistar Chemicals	Corpus Christi, TX



U.S. Department
of Transportation

Pipeline and
Hazardous Materials
Safety Administration

Office of Hazardous
Materials Enforcement
Southwest Region

8701 South Gessner Rd.
Suite 1110
Houston, Texas 77074

EXIT BRIEFING

(This document is not a final report.)

Date: 8/30/2005 Report Control #: 05454056

Company Name: Equistar Chemicals

Address: 1501 McKinzie Road, Corpus Christi, TX 78460

NAME OF INDIVIDUALS RECEIVING BRIEFING:

Name: Larry Warrenfeltz Title: Sr HSE Specialist

Name: Richard Wood Title: Principle HSE Specialist

Name: _____ Title: _____

This has been a compliance inspection conducted in accordance with Title 49 U.S.C. Section 5121(c). This exit briefing addresses only the areas noted, and it is not a finding of general compliance in any other areas covered by the Hazardous Materials Regulations that were subject to the inspection.

During the course of the inspection the following probable violations of 49 CFR and/or quality control items were noted.

1.) Section: 192.800, 192.802

Explanation: Failure to develop a security plan.

2.) Section: 172.704(c)(2)

Explanation: Failure to provide general awareness / familiarization, and function specific recurrent training.

* Training provided on 5/14/2001, for Mr. Larry Warrenfeltz. Recurrent training was due by no later than 5/14/2004.

3.) Section: 172.704(d)(4)(5)

Explanation: Failure to list the name and address of the person providing the training; and certification that the hazmat employee has been trained and tested.

Section:

Explanation:

Section:

Explanation:

This document is not a final report. The information gathered at this inspection and any probable violations noted will be reviewed prior to finalizing the report. Probable violation(s) may be removed or others may be added during this review. In addition, quality control items may be revised to become probable violations during this review.

Upon determination that a probable violation exists, the Associate Administrator for Hazardous Materials Safety is authorized to impose certain sanctions, including warning letters, tickets, compliance orders, and civil penalties. In addition, court actions, including injunctive or criminal proceedings, may be initiated. Title 49 U.S.C. Sections 5123 and 5124 provide for civil and criminal penalties for violation of the Hazardous Materials Regulations.

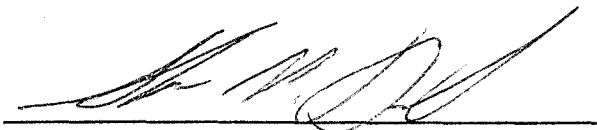
A civil penalty of not more than \$32,500, but not less than \$275, per violation may be imposed through administrative proceedings initiated by the Office of Chief Counsel of the Pipeline and Hazardous Materials Safety Administration. When a criminal violation has been determined by a court, a fine, or imprisonment for not more than 5 years, or both, may be imposed for each violation.

The inspector does not determine which sanction, if any, may be imposed and cannot provide information concerning what proceedings will be initiated or sanctions imposed.

Documentation of corrective action submitted in writing to the inspector within 30 days of the inspection may be considered for mitigation should the sanction imposed result in the issuance of a notice proposing a civil penalty. However, any documented corrective action would not eliminate or preclude the initiation of a civil penalty proceeding, a finding of violation, or assessment of a civil penalty.

Our objective is to ensure a fair regulatory enforcement environment. If you feel you have been treated unfairly or unprofessionally, you may contact John O'Connell at 202-266-4700, or e-mail us at OHME-HQ@dot.gov. You also have a right to contact the Small Business Administration's National Ombudsman at 1-888-REGFAIR, or www.sba.gov/ombudsman regarding the fairness of the compliance and enforcement activities by this agency. The Pipeline and Hazardous Materials Safety Administration strictly forbids retaliatory acts by its employees. As such, you should feel confident that you will not be penalized for expressing your concerns about compliance and enforcement activities.

I certify that I received the above briefing as it appears on this form. I understand that by signing this form I am in no way expressing agreement with its contents. I am only acknowledging that I have reviewed it and have received a copy.



Signature of Inspector(s)



Signature of Representative(s)

8/30/2005

Date

08-30-05

Date

Ref Nbr:	81385491-010	Ship Date:	08/28/2005
ales Order#:		Carrier:	GROENDYKE TRANSPORT
Customer#:	CCO	Vehicle Nbr:	
Origin:	CORPUS CHRISTI TX	Route:	
Shipper:	EQUISTAR CHEMICALS LP	Freight terms:	Prepaid
	VIOLA, TX	Inco Terms:	
Cust P.O./Rel#:	4500141431	Contract Nbr:	

Terms and conditions that are incorporated herewith may be found on the internet at www.equistarchem.com/html/bol.htm**1-800-NO-CAN-DO**

(1-800-662-2636)

<< IF YOU HAVE ANY PROBLEMS MEETING REQUESTED
<< DELIVERY, PLEASE CALL THIS NUMBER IMMEDIATELY
<< AND WE WILL NOTIFY OUR CUSTOMER OF THE DELAY.**24-Hour Emergency Contact: 1-800-424-9300 CHEMTREC****Consignee:**EQUISTAR CHEMICALS LP C/O COASTAL STATES
CRUDE GATHERING
504 NORTH NAVIGATION BLVD
CORPUS CHRISTI TX 78403**Send Freight Bill To:**EQUISTAR CHEMICALS LOGISTICS PAYABL
P.O. Box 4246
HOUSTON TX 77210-4246**Carrier instructions:**

Email Shipping Orders

Weight Type: Certified Scale / WWIB

Section 7: Y

Generic Description of articles special marks and exemptions

T/T Nbr Pkgs 1, TKT

ELEVATED TEMPERATURE LIQUID, FLAMMABLE, N.O.S., 3, UN3256, PGIII,
RQ(NAPHTHALENE), FLASH POINT 66.00 °C, NAERG: 128, STCC: 4912505,
NMFC: 43940, TN=PYROLYSIS FUEL OIL, CFR ROAD

Net	U/M	Product No.	Description	Lot Nbr
50,050	LBS	1087	PYROLYSIS FUEL OIL, (PFO)	

Gross - 75220
Tare - 30720
Net - 47500

Net: 50,050

I hereby declare that the contents of this consignment are fully and accurately described above by proper shipping name and are classified, packaged, marked and labeled/placarded, and are in all respects in proper condition for transport according to applicable international and national governmental regulations.

Hazardous Signature: Armand Russo

Title: _____

Driver's Signature: _____

Placards & ERG offered: _____

Equistar Chemicals, LP, 1221 McKinney, Suite 700, HOUSTON, TX 77010
Questions about invoices, BOL's, rail-tracking - it's all on www.CustomerXPRESS.com or call us @ 888-777-0232Document created on 08/18/2005 at 14:04:41
REPORT NUMBER: 05054055
EXHIBIT NUMBER: 2
PAGE NUMBER 1 OF 2

REFERENCE BILL OF LADING 38 54910 10

THE CARRIER IS GROENDYKE

08-28-2005

TO:

COASTAL STATES
504 NORTH NAVIGATION
CORPUS CHRISTI TX

FROM:

EQUISTAR
POST OFFICE BOX 10940
CORPUS CHRISTI, TEXAS
78460-0940

THE VEHICLE LICENSE NUMBER IS 1TV823

VEHICLE WEIGHED IN @ 00:18 ON 08-28-2005
VEHICLE WEIGHED OUT @ 00:44 ON 08-28-2005

TRAILER No 6480
PASS No 7007

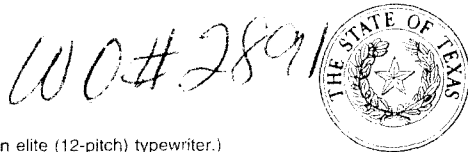
A.P.I. GRAVITY @ 60 DEGREES F = -1.4

GROSS WEIGHT 78220
TARE WEIGHT 30720
NET WEIGHT 47500
GALLONS 5244.4
BARRELS 124.67

PRODUCT TYPE HEAVY FUEL OIL

500 306 3774
U.S. DOT/RTSPA/CHME/SOUTHWEST REGION
REPORT NUMBER: 03454056
EXHIBIT NUMBER: 2
PAGE NUMBER 2 OF 2

TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY
P.O. Box 13087
Austin, Texas 78711-3087



Please print or type. (Form designed for use on elite (12-pitch) typewriter.)

Form approved. OMB No. 2050-0039.

UNIFORM HAZARDOUS WASTE MANIFEST		1. Generator's US EPA ID No.	Manifest Document No.	2. Page 1 of	Information in the shaded areas is not required by Federal law.	
3. Generator's Name and Mailing Address				A. State Manifest Document Number 3114917		
4. Generator's Phone ()				B. State Generator's ID		
5. Transporter 1 Company Name		6. US EPA ID Number		C. State Transporter's ID		
7. Transporter 2 Company Name		8. US EPA ID Number		D. Transporter's Phone		
9. Designated Facility Name and Site Address		10. US EPA ID Number		E. State Transporter's ID		
				F. Transporter's Phone		
				G. State Facility's ID		
				H. Facility's Phone		
11A. HM	11. US DOT Description (including Proper Shipping Name, Hazard Class, ID Number and Packing Group)	12. Containers No.	Type	13. Total Quantity	14. Unit Wt/Vol	I. Waste No.
	a.	008		3200		
	b.	004		2000		
	c.	003		1200		
	d.	004		2400		
J. Additional Descriptions for Materials Listed Above				K. Handling Codes for Wastes Listed Above		
A1717# B598# C1093# D2259#				A H141 B H141 C H141 D H141		
15. Special Handling Instructions and Additional Information						
16. GENERATOR'S CERTIFICATION: I hereby declare that the contents of this consignment are fully and accurately described above by proper shipping name and are classified, packaged, marked, and labelled/placarded, and are in all respects in proper condition for transport by highway according to applicable international and national government regulations, including applicable state regulations. If I am a large quantity generator, I certify that I have a program in place to reduce the volume and toxicity of waste generated to the degree I have determined to be economically practicable and that I have selected the practicable method of treatment, storage, or disposal currently available to me which minimizes the present and future threat to human health and the environment; OR, if I am a small quantity generator, I have made a good faith effort to minimize my waste generation and select the best waste management method that is available to me and that I can afford.						
Printed/Typed Name		Signature			Month Day Year	
					06/02/05	
17. Transporter 1 Acknowledgement of Receipt of Materials		Signature			Month Day Year	
Printed/Typed Name		Signature			Month Day Year	
C. JOHN WALSH		C. John Walsh			06/02/05	
18. Transporter 2 Acknowledgement of Receipt of Materials		Signature			Month Day Year	
Printed/Typed Name		Signature			Month Day Year	
19. Discrepancy Indication Space						
U.S. DOT/SPR/OLME/SOUTHWEST REGION REPORT NUMBER: 03951056 EXHIBIT NUMBER: 3 PAGE NUMBER 1 OF 1						
20. Facility Owner or Operator: Certification of receipt of hazardous materials covered by this manifest except as noted in Item 19.						
Printed/Typed Name		Signature			Month Day Year	
S. DAY		Sandra Day			06/02/05	

U.S. Department of
Homeland Security

United States
Coast Guard



Commanding Officer
United States Coast Guard
Marine Safety Office Corpus Christi

555 N. Carancahua St. Suite 500
Corpus Christi, TX 78478
Staff Symbol: co
Phone: (361) 888-3162
FAX: (361) 888-3115

16601
June 24, 2004
MISLE Activity #
1988081
FIN #: CORWF013

Equistar Chemicals, L. P.
P. O. Box 10940-0940
Corpus Christi, TX 78460-0940

Dear Mr. Wood:

The facility security plan for Equistar, submitted to meet the requirements of Title 33 Code of Federal Regulations (CFR) Part 105, is approved.

Commencing July 1, 2004, Equistar must operate in compliance with this approved security plan and any additional requirements contained in 33 CFR Part 105. Your facility is subject to inspections by Coast Guard personnel to verify compliance with your security plan and requirements of 33 CFR Part 105. Failure to comply with the requirements of 33 CFR Part 105, including those as outlined in your facility security plan, may result in suspension or revocation of this security plan approval, thereby making your facility ineligible to operate in, on, under, or adjacent to waters subject to the jurisdiction of the U.S. in accordance with 46 USC 70103(c)(5). Your facility security plan is sensitive security information and must be protected in accordance with 49 CFR Part 1520. A copy of your security plan and any amendments must be made available to Coast Guard personnel upon request.

This approval will remain valid until five years from the date of this letter unless rescinded in writing by this office. You must review your plans annually and submit any amendments to this office for approval as required by 33 CFR Parts 105.410 and 105.415. **You are required to keep a copy of this approval letter with your security plan.** Coast Guard personnel will audit your adherence with the requirements of your plan and 33 CFR Part 105 on an annual basis.

I commend your efforts in developing a security plan that reflects your company's operating procedures and organizational structure. Implementation of the strategies and procedures contained in your plan serve to reduce the risk and mitigate the results of an act that threatens the security of personnel, the facility, and the public. Please ensure that all parties with responsibilities under these plans are familiar with the procedures and requirements contained therein. If you have any questions, please contact my Facility Section staff at (361) 888-3162 ext 510 or email at msocorpusfacilityMTSA@esunola.uscg.mil.

Sincerely,

A handwritten signature in dark ink, appearing to read "L. D. Stroh".

L. D. Stroh
Captain, U.S. Coast Guard
Captain of the Port Corpus Christi

U.S. DOT/RSPA/OHME/SOUTHWEST REGION
REPORT NUMBER: 0525056
EXHIBIT NUMBER: 4
PAGE NUMBER: 1 OF 1

INVESTIGATIVE NOTES
COMPILED AND RETAINED FOR ENFORCEMENT PURPOSES



PIPELINE AND HAZARDOUS MATERIALS SAFETY ADMINISTRATION
HAZMAT SECURITY INSPECTION REPORT

Facility Name and Address: Equistar Chemicals
1501 McKinzie Road
Corpus Christi, TX 78460

Company Officials Interviewed: Larry Warrenfeltz Title: SC HSE Specialist

1. Does the company offer any of the following for transportation: [§ 172.800(b)]

- ☐ a) A highway route controlled quantity of a Class 7 material.
☐ b) More than 55 pounds of a Division 1.1, 1.2, 1.3 in a motor vehicle, rail car, or freight container.
☐ c) More than 1 liter per package, of a material poison by inhalation, Zone A.
☐ d) A quantity of a hazardous material in a bulk packaging (> 3,500 gallons for liquids/gas, 468 cubic feet for solids).
☐ e) >5,000 lbs. (gw) of one hazard class in non-bulk packaging for which placarding of a vehicle, rail car or freight container is required.
☐ f) A select agent or toxin listed in 42 CFR, Part 73.
☒ g) A quantity of hazardous materials that requires placarding
☐ h) None of Above: Security Plan is not required, though Security Awareness Training is still required to be conducted (See page 2, Security Training)

2. Does the company have a written security plan? Yes ☐ No ☒

3. Has it been approved by another Federal agency [172.804]? Yes ☐ No ☐

4. If yes, name of agency _____ and date approved _____.

5. Does the plan include a security assessment of possible transportation security risks [172.802]?
Yes ☐ No ☐

6. Does the plan include measures to address the assessed risk(s)? Yes ☐ No ☐

7. Does the plan address personnel security? Yes ☐ No ☐

8. Is there a method in place to confirm information provided by employees hired for positions that involve access to or handling of materials covered by the security plan? Yes ☐ No ☐

INVESTIGATIVE NOTES
COMPILED AND RETAINED FOR ENFORCEMENT PURPOSES

INVESTIGATIVE NOTES
COMPILED AND RETAINED FOR ENFORCEMENT PURPOSES

9. Is the company adhering to its personnel security plan? Yes _____ No _____

10. Does the plan address unauthorized access? Yes _____ No _____

11. Does the company adhere to the plan to prevent unauthorized persons to gain access to hazmat covered by the plan or transport conveyances being prepared for transportation?

Yes _____ No _____

12. Does the plan address en route security? Yes _____ No _____

13. Does the company adhere to its en route security plan from origin to destination, including private/contract/common carrier? Yes _____ No _____

SECURITY TRAINING

14. Has the company conducted security awareness training (SAT)? * Yes ☒ No ☒

7/8/2004

15. Does the SAT include a component on how to recognize and respond to possible security threats? Yes _____ No _____

16. Has each HM employee, hired after March 25, 2003, received SAT within 90 days of hire?

Yes _____ No _____

17. Has the company conducted in-depth security training (plan specific) for all HM employees?

Yes _____ No ☒

18. Does the in-depth training program include the following:

a. Company security objectives? Yes _____ No _____

b. Specific security objectives? Yes _____ No _____

c. Employee responsibilities? Yes _____ No _____

d. Actions to take in the event of a security breach? Yes _____ No _____

e. Organizational security structure? Yes _____ No _____

INVESTIGATIVE NOTES
COMPILED AND RETAINED FOR ENFORCEMENT PURPOSES

INVESTIGATIVE NOTES
COMPILED AND RETAINED FOR ENFORCEMENT PURPOSES

19. Has the company created and retained records of employee security training?

Yes _____ No X _____

Additional Notes: _____

[* Note: A company is not required to test or retain records concerning the security awareness training requirement until an employee's first scheduled recurrent training after March 25, 2003.]

This inspection report assesses your compliance with our Security Plan regulations (49 CFR §§ 172.704 (Training), 172.800 (Purpose and Applicability), 172.802 (Components of a security plan), and 172.804 (Relationship to other Federal requirements)). **This inspection report and any comments made during this evaluation do not constitute an endorsement or approval of your security program in whole or in part. Do not send us a copy of your Security Plan as a part of corrective action. If we need a copy of your Security Plan we will specifically request it in writing.**

I hereby certify that the above responses are true to the best of my knowledge.

Persons Interviewed:

Signature *James E. Warren* Date 08-30-05

Signature _____ Date _____

Inspector(s):

Signature *[Signature]* Date 8/30/2005

Signature _____ Date _____

Nothing Follows. *[Signature]* (Inspector's Initials)

The following website may be helpful in the development and administration of security plans:

http://hazmat.dot.gov/hmt_security.htm

INVESTIGATIVE NOTES
COMPILED AND RETAINED FOR ENFORCEMENT PURPOSES

**UNITED STATES OF AMERICA
DEPARTMENT OF TRANSPORTATION
PIPELINE AND HAZARDOUS MATERIALS SAFETY ADMINISTRATION**



**HAZARDOUS MATERIALS
CERTIFICATE OF REGISTRATION
FOR REGISTRATION YEAR(S) 2005-2006**

Registrant: EQUISTAR CHEMICALS LP
Attn: DAVID PRILUTSKI
PO BOX 2583
HOUSTON, TX 77252-2583

This certifies that the registrant is registered with the U.S. Department of Transportation as required by 49 CFR Part 107, Subpart G.

This certificate is issued under the authority of 49 U.S.C. 5108. It is unlawful to alter or falsify this document.

Reg. No: 060405 550 024N **Issued:** 06/04/2005 **Expires:** 06/30/2006

Record Keeping Requirements for the Registration Program

The following must be maintained at the principal place of business for a period of three years from the date of issuance of this Certificate of Registration:

- (1) A copy of the registration statement filed with PHMSA; and
- (2) This Certificate of Registration

Each person subject to the registration requirement must furnish that person's Certificate of Registration (or a copy) and all other records and information pertaining to the information contained in the registration statement to an authorized representative or special agent of the U. S. Department of Transportation upon request.

Each motor carrier (private or for-hire) and each vessel operator subject to the registration requirement must keep a copy of the current Certificate of Registration or another document bearing the registration number identified as the "U.S. DOT Hazmat Reg. No." in each truck and truck tractor or vessel (trailers and semi-trailers not included) used to transport hazardous materials subject to the registration requirement. The Certificate of Registration or document bearing the registration number must be made available, upon request, to enforcement personnel.

For information, contact the Hazardous Materials Registration Manager, DHM-60, Pipeline and Hazardous Materials Safety Administration, U.S. Department of Transportation, 400 Seventh Street, SW, Washington, DC 20590, telephone (202) 366-4109.

U.S. DOT/RSPA/OHME/SOUTHWEST REGION
REPORT NUMBER: 05831056
EXHIBIT NUMBER: 6
PAGE NUMBER 1 OF 1

Training History for WARRENFELTZ, LARRY

Proctor	Proctor/Event Description	LPN	Score	Result	Tested	Time
111terms.prc	TERMS CBT Fundamentals All Users		90	PASS	8/9/2002	01:42:57 PM
ACCPST	CCO ACCIDENT PREVENTION SIGNS		100	Pass	12/30/2002	4:00:00 PM
accpst.prc	CCO LABELS & SIGNS (Dec. SSSM)	9124471103	100	PASS	12/9/2004	07:22:22 AM
accpst.prc	CCO LABELS & SIGNS (Dec. SSSM)	9124471103	100	PASS	12/10/2003	01:15:57 PM
APOLLO	CCO ROOT CAUSE ANALYSIS CLAS		100	Pass	8/21/2001	4:00:00 PM
APR_SSSM	CCO APRIL STAIR STEP SAFETY ME		100	Pass	4/3/2003	4:00:00 PM
APR_SSSM	CCO APRIL STAIR STEP SAFETY ME		100	Pass	4/7/2005	4:00:00 PM
AUG_SSSM	CCO AUGUST STAIR STEP SAFETY		100	Pass	8/5/2004	4:00:00 PM
AUG_SSSM	CCO AUGUST STAIR STEP SAFETY		100	Pass	8/4/2005	4:00:00 PM
AUG_SSSM	CCO AUGUST STAIR STEP SAFETY		100	Pass	8/7/2003	4:00:00 PM
BDREG	CCO BUTADIENE REGULATION OVE		100	Pass	4/5/2002	4:00:00 PM
BDREG.prc	CCO Butadiene Standard Compliance (	9123081001	100	PASS	4/29/2003	02:42:06 PM
BDREG.prc	CCO Butadiene Standard Compliance (	9123081001	100	PASS	4/19/2005	10:15:34 AM
BDREG.prc	CCO Butadiene Standard Compliance (	9123081001	100	PASS	4/20/2004	09:20:52 AM
BKPRG	CCO BACK PROGRAM		100	Pass	6/14/2000	12:00:00 PM
BZREG	CCO BENZENE REGULATION		100	Pass	2/8/2002	4:00:00 PM
BZREG.prc	CCO Benzene Regulation (March SSS	9123071001	100	PASS	3/12/2003	01:33:51 PM
BZREG.prc	CCO Benzene Regulation (March SSS	9123071001	100	PASS	3/3/2004	03:21:59 PM
BZREG.prc	CCO Benzene Regulation (March SSS	9123071001	100	PASS	3/11/2005	09:22:19 AM
ccoSmokeFacts.prc	CCO Cigarette Smoking Facts	6501181001	100	PASS	8/14/2003	02:51:12 PM
CONTMG	CCO CONTAINER MANAGEMENT		100	Pass	4/5/2002	4:00:00 PM
cpo_Butad_sq.prc	Unknown		100	PASS	4/20/2004	09:18:37 AM
cpo_Butad_sq.prc	Unknown		100	PASS	4/20/2004	09:19:54 AM
cpo_Butad_sq.prc	Unknown		100	PASS	4/29/2003	02:40:52 PM
cpo_Butad_sq.prc	Unknown		100	PASS	4/19/2005	10:14:45 AM
CS	CCO CONFINED SPACE ENTRANT S		100	Pass	1/22/2002	4:00:00 PM
Csgen.prc	CCO Confined Space Entry (January S	9141091001	100	PASS	1/14/2004	10:46:50 AM
Csgen.prc	CCO Confined Space Entry (January S	9141091001	90	PASS	1/10/2005	02:59:07 PM
Csgen.prc	CCO Confined Space Entry (January S	9141091001	100	PASS	1/6/2003	09:03:27 AM
DEC_SSSM	CCO DECEMBER STAIR STEP SAFE		100	Pass	12/10/2003	4:00:00 PM
DEC_SSSM	CCO DECEMBER STAIR STEP SAFE		100	Pass	12/31/2004	4:00:00 PM
DIAGTRN	CCO DIALOG TRAINING EQUISTAR		100	Pass	7/23/1998	12:00:00 PM
DOCUMENTUM	CCO DOCUMENTUM TRAINING		100	Pass	3/10/2005	4:00:00 PM
- DOTGA	CCO DOT General Awareness		100	Pass	5/14/2001	4:00:00 PM
- DOTNBP	CCO DOT Packaging		100	Pass	5/14/2001	4:00:00 PM
- DOTPLAC	CCO DOT Placarding		100	Pass	5/14/2001	4:00:00 PM
- DOTSP	CCO DOT Shipping Papers/Documenta		100	Pass	5/14/2001	4:00:00 PM
- DOTSS	CCO DOT Marking and Labeling		100	Pass	5/14/2001	4:00:00 PM
DOTTTLUL	CCO DOT Carrier Requirements_Highw		100	Pass	5/14/2001	4:00:00 PM
EMPREPOV	CCO EMERGENCY PREPAREDNESS		100	Pass	11/12/2002	4:00:00 PM
ENV 5 r10_03.prc	CCO 04/Jan Env. Performance Recogni	5556012101	100	PASS	2/4/2004	11:00:03 AM
ENV_ep02April04.prc	CCO 04/Apr Incident Notification Plan	5556012103	100	PASS	6/8/2004	12:15:05 PM
ERGO	CCO ERGONOMICS		100	Pass	12/11/2000	12:00:00 PM
ergo.prc	CCO Office Ergonomics (Nov SSSM)	9141071001	100	PASS	11/23/2004	08:56:14 AM
FEB_SSSM	CCO FEBRUARY STAIR STEP SAFET		100	Pass	2/3/2005	4:00:00 PM
FEB_SSSM	CCO FEBRUARY STAIR STEP SAFET		100	Pass	2/5/2004	4:00:00 PM
FEB_SSSM	CCO FEBRUARY STAIR STEP SAFET		100	Pass	2/26/2003	4:00:00 PM
FINANCE	CCO FINANCE REPORTS - LE'S - BU		100	Pass	12/3/2002	4:00:00 PM
Fitness.prc	CCO 03/Dec Fitness at the Work Site	3001161001	100	PASS	1/14/2004	10:24:09 AM
GAPSCREDIT.prc	GLOBAL APPROVED PROVIDERS SY	1508301001	100	PASS	1/6/2003	08:31:04 AM
HAZCOM	CCO HAZARD COMMUNICATION RE		100	Pass	2/8/2002	4:00:00 PM

Training History for WARRENFELTZ, LARRY

Proctor	Proctor/Event Description	LPN	Score	Result	Tested	Time
hazcom.prc	CCO Hazard communication (Feb. SSS	9143241001	100	PASS	3/11/2005	09:14:57 AM
hazcom.prc	CCO Hazard communication (Feb. SSS	9143241001	100	PASS	2/5/2003	01:29:58 PM
hazcom.prc	CCO Hazard communication (Feb. SSS	9143241001	100	PASS	3/3/2004	02:59:24 PM
HAZRECEX	CCO Hazard Elimination Extention		100	Pass	3/30/2001	4:00:00 PM
HAZREG	CCO HAZARD RECOGNITION		100	Pass	2/8/2002	4:00:00 PM
HAZSAT	CCO HAZARDOUS WASTE SATELLIT		100	Pass	4/5/2002	4:00:00 PM
HAZWOPER	CCO HAZARDOUS WASTE OPERATI		100	Pass	5/9/2002	4:00:00 PM
HAZWOPER.prc	CCO Level 1 Hazardous Waste Operati	9121371001	100	PASS	5/15/2003	10:32:09 AM
HAZWOPER.prc	CCO Level 1 Hazardous Waste Operati	9121371001	100	PASS	6/6/2005	02:03:08 PM
HAZWOPER.prc	CCO Level 1 Hazardous Waste Operati	9121371001	100	PASS	6/8/2004	12:02:08 PM
HotCond.prc	CCO Hot Condensate Hazards (Sept T	6501231001	100	PASS	10/11/2004	01:35:02 PM
HOTWORK	CCO Hot Work Permit Training		100	Pass	7/31/2002	4:00:00 PM
HR_EEO_POLICIES	CCO HUMAN RESOURCES EEO POLI		100	Pass	2/16/2005	4:00:00 PM
HRNGCON	CCO HEARING CONSERVATION		100	Pass	4/5/2002	4:00:00 PM
hrngcon.prc	CCO Hearing Conservation (August SS	9123121001	100	PASS	8/14/2003	02:47:41 PM
hrngcon.prc	CCO Hearing Conservation (August SS	9123121001	100	PASS	8/31/2004	07:19:08 AM
HSE70007.prc	CCO 2003_Safety Performance Recog	5556011103	100	PASS	2/5/2003	01:21:10 PM
HSESROship01.prc	CCO Shipping Samples	5556012104	100	PASS	10/15/2004	11:45:08 AM
IIR.prc	CCO Incident Investigation & Reporting	6501131001	100	PASS	9/10/2003	07:20:15 AM
IIR.prc	CCO Incident Investigation & Reporting	6501131001	100	PASS	10/11/2004	01:32:11 PM
IMPACT_REFR	CCO IMPACT REFRESHER TRAINING		100	Pass	11/18/2004	4:00:00 PM
JAN_SSSM	CCO JANUARY STAIR STEP SAFETY		100	Pass	1/9/2003	4:00:00 PM
JAN_SSSM	CCO JANUARY STAIR STEP SAFETY		100	Pass	1/29/2004	4:00:00 PM
JAN_SSSM	CCO JANUARY STAIR STEP SAFETY		100	Pass	1/6/2005	4:00:00 PM
JULY_SSSM	CCO JULY STAIR STEP SAFETY MEE		100	Pass	7/8/2004	4:00:00 PM
JULY_SSSM	CCO JULY STAIR STEP SAFETY MEE		100	Pass	7/19/2005	4:00:00 PM
JULY_SSSM	CCO JULY STAIR STEP SAFETY MEE		100	Pass	7/11/2003	4:00:00 PM
JUNE_SSSM	CCO JUNE STAIR STEP SAEFTY ME		100	Pass	6/8/2004	4:00:00 PM
JUNE_SSSM	CCO JUNE STAIR STEP SAEFTY ME		100	Pass	6/2/2005	4:00:00 PM
JUNE_SSSM	CCO JUNE STAIR STEP SAEFTY ME		100	Pass	6/5/2003	4:00:00 PM
ldrsfty.prc	CCO Ladder Safety (Dec SSSM)	6508341001	100	PASS	12/10/2003	01:08:52 PM
ldrsfty.prc	CCO Ladder Safety (Dec SSSM)	6508341001	100	PASS	12/9/2004	07:15:51 AM
LNBRK	CCO LINE BREAK		100	Pass	9/5/2002	4:00:00 PM
LOTO1001.000	CCO Lock, Tag, & Try (August SSSM)	3001061001	100	PASS	8/14/2003	01:24:12 PM
LOTO1001.000	CCO Lock, Tag, & Try (August SSSM)	3001061001	100	PASS	8/31/2004	07:25:36 AM
LTT	CCO LOCK_TAG_TRY		100	Pass	8/20/2002	4:00:00 PM
MAR_SSSM	CCO MARCH STAIR STEP SAFETY M		100	Pass	3/21/2003	4:00:00 PM
MAR_SSSM	CCO MARCH STAIR STEP SAFETY M		100	Pass	3/7/2005	4:00:00 PM
Marine_Security_Awar	CCO Marine Security Employee Aware		100	Pass	7/8/2004	4:00:00 PM
MAY_SSSM	CCO MAY STAIR STEP SAFETY MEE		100	Pass	5/15/2003	4:00:00 PM
MAY_SSSM	CCO MAY STAIR STEP SAFETY MEE		100	Pass	5/6/2004	4:00:00 PM
MAY_SSSM	CCO MAY STAIR STEP SAFETY MEE		100	Pass	5/5/2005	4:00:00 PM
mb_test.prc	MOCKING-BIRD TEST		100	PASS	5/15/2000	9:43:43 AM
MEDBBP.prc	CCO Bloodborne Pathogens (March SS	3001121001	95	PASS	3/12/2003	01:13:10 PM
MEDBBP.prc	CCO Bloodborne Pathogens (March SS	3001121001	100	PASS	3/11/2005	09:34:16 AM
MEDBBP.prc	CCO Bloodborne Pathogens (March SS	3001121001	95	PASS	3/3/2004	02:22:10 PM
MEDPOL.prc	CCO ACCESS TO EXPOSURE & MED	9141102100	100	PASS	1/14/2004	10:29:09 AM
MEDPOL.prc	CCO ACCESS TO EXPOSURE & MED	9141102100	100	PASS	1/6/2003	08:48:46 AM
MEDPOL.prc	CCO ACCESS TO EXPOSURE & MED	9141102100	100	PASS	1/10/2005	03:17:11 PM
MOWP_OV	CCO MOWP OVERVIEW TRAINING		100	Pass	5/16/2002	4:00:00 PM
MOWPNotif.prc	CCO MOWP Notification Creation	5558261001	100	PASS	10/24/2002	10:53:26 AM
NHFAPR	CCO New Hire Fire, Alarms, and Repso		100	Pass	11/17/1999	12:00:00 PM

Training History for WARRENFELTZ, LARRY

Proctor	Proctor/Event Description	LPN	Score	Result	Tested	Time
NHIIR.prc	CCO Incident Investigation & Reporting	6501131001	100	PASS	9/9/2003	12:34:30 PM
NOV_SSSM	CCO NOVEMBER STAIR STEP SAFE		100	Pass	11/21/2003	4:00:00 PM
NOV_SSSM	CCO NOVEMBER STAIR STEP SAFE		100	Pass	11/23/2004	4:00:00 PM
NTEXC	CCO NETWORK EXCHANGE TRAININ		100	Pass	8/4/1998	12:00:00 PM
OCT_SSSM	CCO OCTOBER STAIR STEP SAFETY		100	Pass	10/7/2004	4:00:00 PM
OCT_SSSM	CCO OCTOBER STAIR STEP SAFETY		100	Pass	10/8/2004	4:00:00 PM
OCT_SSSM	CCO OCTOBER STAIR STEP SAFETY		100	Pass	10/9/2003	4:00:00 PM
PHA_Coldf_3Q2001.p	CCO 2003 Cold Fractionation PHA sum	5556015103	100	PASS	5/15/2003	10:26:26 AM
PHA_e1_1Q2001.prc	CCO 2003 Primary Fractionator PHA (	5556015101	100	PASS	5/15/2003	10:25:49 AM
PHA_UT_1Q1999.prc	CCO 2003 Utilities PHA summary (May	5556015104	100	PASS	5/15/2003	10:24:54 AM
PHA_warmf_2Q2001.	CCO 2003 Warm Fractination PHA sum	5556015102	100	PASS	5/15/2003	10:24:08 AM
PPE	CCO PERSONAL PROTECTIVE EQUI		100	Pass	11/7/2002	4:00:00 PM
ppe.prc	CCO Proper Protective Equipment (Nov	9141052100	100	PASS	11/23/2004	09:25:12 AM
ppe.prc	CCO Proper Protective Equipment (Nov	9141052100	100	PASS	11/21/2003	02:46:08 PM
PSM.prc	CCO Process Safety Management (JUL	6501111001	100	PASS	7/20/2004	04:13:10 PM
PSM.prc	CCO Process Safety Management (JUL	6501111001	91	PASS	7/9/2003	03:22:12 PM
PSM.prc	CCO Process Safety Management (JUL	6501111001	100	PASS	7/14/2005	01:31:21 PM
PSMOV	CCO PROCESS SAFETY MANEGEME		100	Pass	7/11/2002	4:00:00 PM
RADSAF	CCO RADIATION SAFETY		100	Pass	9/13/1999	12:00:00 PM
RCRA.prc	CCO Resource Conservation & Recove	9143371001	100	PASS	5/15/2003	10:20:53 AM
RCRA.prc	CCO Resource Conservation & Recove	9143371001	100	PASS	6/6/2005	01:59:09 PM
RCRA.prc	CCO Resource Conservation & Recove	9143371001	100	PASS	6/8/2004	12:09:02 PM
RCRAOV	CCO RESOURCE CONSERVATION &		100	Pass	4/5/2002	4:00:00 PM
RCRAREG	CCO RESOURCE CONSERVATION &		100	Pass	4/10/2002	4:00:00 PM
REECH.prc	CCO Recognition, Evaluation, Eliminati		100	PASS	9/4/2002	01:52:04 PM
REECH1.prc	CCO Recognition, Evaluation, Eliminati	6501121001	100	PASS	10/11/2004	01:29:18 PM
REECH1.prc	CCO Recognition, Evaluation, Eliminati	6501121001	100	PASS	10/7/2003	10:36:23 AM
RMP	CCO RISK MANAGEMENT PLANNING		100	Pass	6/5/1998	12:00:00 PM
SAF70004Jan05Att2.	CCO 1/05_Safety Procedure 700.04, H	5556011135	100	PASS	2/23/2005	12:37:18 PM
saf70004July04.prc	CCO "Housekeeping Safety Procedure"	5556011123	100	PASS	10/11/2004	01:12:37 PM
SAF70004July04Attac	CCO 04/Sept "Safety Procedure 700.04	5556011124	100	PASS	10/11/2004	01:11:25 PM
SAF70103R0.prc	CCO 6/05_Off the Job Safety	5556011158	100	PASS	7/14/2005	01:28:19 PM
SAF70203Feb04.prc	Contractor & Visitor Processing, Feb. 0	5556011120	100	PASS	4/20/2004	09:22:16 AM
SAF70206_2003.prc	CCO 03/Sept Heat Stress Safety Proce	5556011117	100	PASS	10/7/2003	10:43:02 AM
SAF70308May05.prc	CCO 5/05_Protective Clothing		100	PASS	6/6/2005	12:53:05 PM
SAF70309Jan05.prc	CCO 2/05_Flame Retardant Clothing	5556011136	100	PASS	2/28/2005	06:54:43 AM
SAF70501May03.prc	CCO 2003 CCO Permitting Procedure 7	5556011109	100	PASS	6/11/2003	12:52:09 PM
SAF70602Apr05.prc	CCO 5/05_Total Incident Reporting	5556011156	100	PASS	6/6/2005	12:51:41 PM
SAF70605June04.prc	CCO 04/June "PHR Safety Procedure,	5556011121	100	PASS	6/28/2004	12:41:49 PM
SAF70610Feb05.prc	CCO 2/05_Job Observation Procedure	5556011139	100	PASS	2/23/2005	12:35:36 PM
SAF70612R1.prc	CCO 2004 Management of Change	5556011129	100	PASS	11/23/2004	09:26:56 AM
saf70806Nov04.prc	CCO 2004 Ambient Air Monitoring & Od	5556011130	100	PASS	11/23/2004	09:27:34 AM
SAF70808Feb05.prc	CCO 2/05_Mold Procedure (new)	5556011141	100	PASS	2/23/2005	12:35:04 PM
SAF70901May05.prc	CCO 6/05_Hurricanes and Storms	5556011157	100	PASS	7/14/2005	01:27:31 PM
SAF71403Feb05.prc	CCO 2/05_Vehicle Rules Safety Proce	5556011137	100	PASS	2/23/2005	12:34:17 PM
SafeAware.prc	CCO Safety Awareness (March SSSM)	1403531001	100	PASS	3/11/2005	09:42:37 AM
SafeAware.prc	CCO Safety Awareness (March SSSM)	1403531001	100	PASS	3/21/2003	06:53:43 AM
SafeAware.prc	CCO Safety Awareness (March SSSM)	1403531001	100	PASS	3/3/2004	01:40:22 PM
SCAFUT	CCO SCAFFOLD USER TRAINING		100	Pass	7/7/1999	12:00:00 PM
SEPT_SSSM	CCO SEPTEMBER STAIR STEP SAFE		100	Pass	10/8/2004	4:00:00 PM
SEPT_SSSM	CCO SEPTEMBER STAIR STEP SAFE		100	Pass	9/4/2003	4:00:00 PM
Sfet1001.000	CCO Fire Extinguisher	3001031001	100	PASS	10/11/2004	01:21:24 PM

Training History for WARRENFELTZ, LARRY

Proctor	Proctor/Event Description	LPN	Score	Result	Tested	Time
Sfet1001.000	CCO Fire Extinguisher	3001031001	90	PASS	10/7/2003	10:29:44 AM
Shet1001.000	CCO Heat Stress (June SSSM)	3003311001	95	PASS	6/21/2004	03:42:51 PM
Shet1001.000	CCO Heat Stress (June SSSM)	3003311001	90	PASS	6/20/2003	10:17:33 AM
Shet1001.000	CCO Heat Stress (June SSSM)	3003311001	95	PASS	6/6/2005	01:55:06 PM
SiteSecurity.000	DOT Site Security Plan	9001351001	100	PASS	1/12/2004	12:35:07 PM
SOP706.prc	CCO SOP 706.13 Process Entry	5558251109	100	PASS	8/9/2002	01:36:33 PM
SPCCOPA	CCO OIL SPILL RESPONSE TRAININ		100	Pass	6/6/2002	4:00:00 PM
SPCCOPA.prc	CCO Oil Spill Response Training & Oil	9126031001	100	PASS	6/21/2004	03:59:03 PM
SPCCOPA.prc	CCO Oil Spill Response Training & Oil	9126031001	100	PASS	6/6/2005	12:56:21 PM
SPCCOPA.prc	CCO Oil Spill Response Training & Oil	9126031001	100	PASS	6/20/2003	10:00:56 AM
SPCCOV	CCO SPCC OVERVIEW-OPA		100	Pass	6/14/2000	12:00:00 PM
TSCA.prc	CCO Toxic Substance Control Act (April	9121471001	100	PASS	4/19/2005	10:09:28 AM
TSCA.prc	CCO Toxic Substance Control Act (April	9121471001	100	PASS	10/11/2004	01:06:56 PM
TSCA.prc	CCO Toxic Substance Control Act (April	9121471001	100	PASS	9/9/2003	09:48:55 AM
TSCARR	CCO TSCA REPORTING and RECOR		100	Pass	3/3/1999	12:00:00 PM
WaterHeater.prc	CCO Hot Water Heater Safety (Oct SS	9135261001	100	PASS	10/11/2004	01:26:22 PM
WPSYS	CCO WORK PERMIT SYSTEM OVER		100	Pass	12/30/2002	4:00:00 PM

Ref Nbr: 81355894-010 Ship Date: 08/01/2005
Order#: Carrier: GROENDYKE TRANSPORT
Customer#: CCO Vehicle Nbr:
Origin: CORPUS CHRISTI TX Route:
Shipper: EQUISTAR CHEMICALS LP Freight terms: Prepaid
VIOLA, TX Inco Terms:
Cust P.O./Rel#: 4500138923 Contract Nbr:

Terms and conditions that are incorporated herewith may be found on the internet at www.equistarchem.com/html/bol.htm

1-800-NO-CAN-DO

(1-800-662-2636)

<< IF YOU HAVE ANY PROBLEMS MEETING REQUESTED
<< DELIVERY, PLEASE CALL THIS NUMBER IMMEDIATELY
<< AND WE WILL NOTIFY OUR CUSTOMER OF THE DELAY.

24-Hour Emergency Contact: 1-800-424-9300 CHEMTREC

Consignee:

EQUISTAR CHEMICALS LP C/O MAGELLAN
TERMINAL HOLDINGS LP
POTH LANE
CORPUS CHRISTI TX 78469

Send Freight Bill To:

EQUISTAR CHEMICALS LOGISTICS PAYABL
P.O. Box 4246
HOUSTON TX 77210-4246

Carrier instructions:

Email Shipping Orders

Weight Type: Certified Scale / WWIB

Section 7: Y

Generic Description of articles special marks and exemptions

T/T Nbr Pkgs 1, TKT

COMBUSTIBLE LIQUID, N.O.S. (NAPHTHALENE), CL, NA1993, PGIII,
RQ(NAPHTHALENE), FLASH POINT 65.00 °C, NAERG: 128, STCC: 4912059,
NMFC: 45350, TN=LIGHT PYROLYSIS OIL, CFR ROAD

Net	U/M	Product No.	Description	Lot Nbr
40,229.800	LBS	3814	LIGHT PYROLYSIS OIL, (LPO)	

G = 78520

T = 30960

N = 47560

Net: 40,230

I hereby declare that the contents of this consignment are fully and accurately described above by proper shipping name and are classified, packaged, marked and labeled/placarded, and are in all respects in proper condition for transport according to applicable international and national governmental regulations.

Hazardous Signature: Armand Russo

Title: _____

Driver's Signature: _____

Placards & ERG offered: _____

Equistar Chemicals, LP, 1221 McKinney, Suite 700, HOUSTON, TX 77010 Document created on 07/28/2005 at 13:24:29
Questions about invoices, BOL's, rail-tracking - it's all on www.CustomerXPRESS.com or call us @ 888.777.0232

REPORT NUMBER: 05555056

EXHIBIT NUMBER: 3

PAGE NUMBER 1 OF 3

REFERENCE BILL OF LADING 35 58940 10

THE CARRIER IS GROENDYKE TRANSPORT

08-01-2005

TO:

EQUISTAR CHEMICALS L/P
POTH LANE
CORPUS CHRISTI, TEXAS

FROM:

EQUISTAR
POST OFFICE BOX 10940
CORPUS CHRISTI, TEXAS
78460-0940

THE VEHICLE LICENSE NUMBER IS 1TV-823

VEHICLE WEIGHED IN @ 00:23 ON 08-01-2005
VEHICLE WEIGHED OUT @ 00:48 ON 08-01-2005

TRAILER No 6480
PASS No 6059

A.P.I. GRAVITY @ 60 DEGREES F = 11.9

GROSS WEIGHT 78520
TARE WEIGHT 30960
NET WEIGHT 47560
GALLONS 5788.7
BARRELS 137.83

PRODUCT TYPE LIGHT FUEL OIL

500 3030/50
U.S. DCM/RSPA/ONRME/SOUTHWEST REGION
REPORT NUMBER: 05054036
EXHIBIT NUMBER: 8
PAGE NUMBER 2 OF 3



Please print or type. (Form designed for use on elite (12-pitch) typewriter.)

Form approved: OMB No. 2050-0035.

UNIFORM HAZARDOUS WASTE MANIFEST		1. Generator's US EPA ID No. TXD0000330415	Manifest Document No. 2758	2. Page 1 of 1	Information in the shaded areas is not required by Federal law.	
3. Generator's Name and Mailing Address Equistar Chemicals P.O. Box 10940 Corpus Christi, Texas 78460		A. State Manifest Document Number 3289938		B. State Generator's ID 31685		
4. Generator's Phone (361) 242-5046		5. Transporter 1 Company Name Miller Environmental Services		C. State Transporter's ID 40738		
6. US EPA ID Number TXD981058054		7. Transporter 2 Company Name		D. Transporter's Phone 361-289-9800		
8. US EPA ID Number		9. Designated Facility Name and Site Address TM Corpus Christi Services LP 8901 Greenwood Dr. Corpus Christi, Texas 78415		E. State Transporter's ID		
10. US EPA ID Number TXR000001016		F. Transporter's Phone		G. State Facility's ID 83093		
H. Facility's Phone 361-852-8284						
11A. HM	11. US DOT Description (including Proper Shipping Name, Hazard Class, ID Number and Packing Group)	12. Containers No.	Type	13. Total Quantity	14. Unit Wt/Vol	15. Waste No.
	a. R.O. Waste Flammable Liquids, N.O.S., (Dimethyl formamide, Toluene), 3. UN1993 PG III ERG 1.28	001	TT	31280	P	0110119H DASH, 0018
	b.					
	c.					
	d.					
J. Additional Descriptions for Materials Listed Above Material contains Benzene and should be managed as per W.S.NO. 13105500 NESHAP Support FF		K. Handling Codes for Wastes Listed Above H134				
15. Special Handling Instructions and Additional Information IN CASE OF EMERGENCY CONTACT Shift Supervisor 361-242-8295.						
16. GENERATOR'S CERTIFICATION: I hereby declare that the contents of this consignment are fully and accurately described above by proper shipping name and are classified, packaged, marked, and labelled/placarded, and are in all respects in proper condition for transport by highway according to applicable international and national government regulations, including applicable state regulations. If I am a large quantity generator, I certify that I have a program in place to reduce the volume and toxicity of waste generated to the degree I have determined to be economically practicable and that I have selected the practicable method of treatment, storage, or disposal currently available to me which minimizes the present and future threat to human health and the environment; OR if I am a small quantity generator, I have made a good faith effort to minimize my waste generation and used the best waste management method that is available to me and that I can afford.						
Printed/Typed Name Larry B. Warrick		Signature Larry B. Warrick		Date 08/15/89		
Printed/Typed Name [Signature]		Signature [Signature]		Date 08/15/89		
12. Transporter 2 Acknowledgement of Receipt of Materials Printed/Typed Name		Signature [Signature]		Date Month Day Year		
13. Date of Receipt of Materials at Facility U.S. DOT/RSPA/OHME/SOUTHWEST REGION REPORT NUMBER: 05454056 EXHIBIT NUMBER: 8 PAGE NUMBER 3 OF 3						
14. Date of Receipt of Materials at Facility Printed/Typed Name Hal Bracey						
Signature Hal Bracey		Date 04/15/04				

Daniels, Shawn <PHMSA>

From: Warrenfeltz, Larry E. [Larry.Warrenfeltz@Equistarchem.com]
Sent: Wednesday, September 14, 2005 1:18 PM
To: Daniels, Shawn <PHMSA>
Cc: Harvey, David D; Warrenfeltz, Larry E.
Subject: D.O.T. Inspection Corrective Action

During the course of the inspection on 08/30/2005 the following probable violations of 49 CFR and/or quality control items were noted on Report Control # 05454056. Along with the probable violations are the corrective actions.

Section: 172.800, 172.802, failure to develop a security plan for the plant.

Attached is an Email from Richard Wood indicating that a plan has been developed.

Section: 172.704(c) (2), Failure to provide general awareness/familiarization, and function specific recurrent training.

Megan Diliberto with U.S. Manufacturing will be on site Sept. 27th to conduct the training.

Section: 172.704(d) (4) (5), Failure to list the name and address of the person providing the training, and certification that the hazmat employee has been trained and tested.

Attached is a scanned copy of a Certificate of Completion that is on file within the training department for one Hazmat employee. We have similar files for all other employees that are required to have this training. The day of the inspection several people in the department were out and we didn't look in the right file.

Should you need additional information please call me at 361-242-5045

<<Transportation Security Plan.htm>>

<<Certificate of Completion.pdf>>

9/19/05

U.S. DOT/RSPA/CHME/SOUTHWEST REGION
REPORT NUMBER: 00456056
EXHIBIT NUMBER: 2
PAGE NUMBER 1 OF 3

From: Wood, Richard A.

Sent: Thursday, September 08, 2005 1:43 PM

To: Warrenfeltz, Larry E.

Cc: Tartalone, Leonard J.

The Lyondell Corpus Christi Complex Transportation Security Plan has been developed.

Thanks,

Richard

U.S. DOT/RSPA/OHME/SOUTHWEST REGION
REPORT NUMBER: 2183026
EXHIBIT NUMBER: 9
PAGE NUMBER 6 OF 3



Certificate of Completion

Mike Avant

Has successfully completed the
Hazardous Materials Transportation Training
General Awareness / Familiarization / Safety - Security Basic Function Specific
(According to D.O.T. 49 CFR 172.700 Subpart H)

May 30, 2003

Frederic H. Quibben

Megan M. Diliberto
D.O.T. Training Coordinator
U.S. Manufacturing Training

Arthur A. Hellyer

Arthur J. Halliday
Manager
U.S. Manufacturing Training